HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 12634 of 2007

Dated 25th June 2007

Between:

M/s. Harshitha Township Private Limited and another.

…Petitioners

and

Govt of A.P. and others.

…Respondents

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WRIT PETITION No. 12634 of 2007

O R D E R:

The first petitioner is a Company and the second petitioner is a Firm engaged in the real estate activities. They claim to have developed vast extent of land in Survey Nos.219 and 222 of Gajularamaram Village, Ranga Reddy District. The petitioners complain that the third respondent is not entertaining the sale deeds presented by them, in respect of the plots carved out of the said land, allegedly on the basis of instructions

received from the superior authorities.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Till recently, the scope of refusal to register a document was very limited. The A.P. State Legislature had introduced Section 22-A of the Registration Act 19 of 2007, which provided for several contingencies, under which the registering authority can refuse to register a document. In addition to that, Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 prohibits registration of documents in relation to assigned lands. However, unless the document is attracted by the said provisions, the registering authority cannot refuse registration. Whenever any such reasons or grounds are noticed, they must be communicated to the parties to the document, without any loss of time. Further, the authority cannot refuse to receive the document, because the actual consideration would arise, only after it is received and examined with reference to the relevant provisions. Mere receiving of document does not confer any right or lead to any change in relationship vis-à-vis the property.

Hence, the Writ Petition is disposed of, directing that the third respondent shall receive the documents, that may be presented by the petitioners, but shall examine

the same with reference to the relevant provisions of law, including Section 22-A of the Registration Act 19 of 2007 and Section 5 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. In case, the lands are not covered by the said provisions, the documents shall be admitted to registration, on being satisfied about the adequacy of stamp duty and registration charges. On the other hand, if the registration is prohibited under the said provisions, the reasons shall be communicated to the petitioners, within ten (10) from the date of presentation of the documents. There shall be no order as to costs.

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25.06.2007

Note: Issue C.C. in one (1) week.

(B/o)

JSU